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OFFICE OF PETITIONS

Applicant: Hajaligol et al.

Appl. No.: 10/782,812

Filing Date: February 23, 2004

Title: USE OF OXYHYDROXIDE COMPOUNDS FOR REDUCING CARBON MONOXIDE
IN THE MAINSTREAM SMOKE OF A CIGARETTE

Attorney Docket No.: 021238-644

Pub. No.: US 2004/0159328 A1

Pub. Date: August 19, 2004

This is a decision on the request for corrected of patent application publication under
37 CFR 1.221(b), filed on September 1, 2004 for the above-identified application

The request is DISMISSED.

Applicant request that the application be republished because the patent application publication contains a material error, as dependent claim 29 is misprinted as "about 5 mg to" is misprinted as "about mg to."

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error is not a material mistake because the application is a Divisional of U.S. Application 10/117,220 filed April 8, 2002, now U.S. Patent Application Publication 2003/0188758 and U.S. Patent No. 6,769,437. Since, the parent application is both published and patented and the patent contains the method claims including claim 29 and that the method claims including claim 29 have been canceled in this divisional application, the error does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The error also does not affect the use of the patent application publication as a prior art reference, because the continuity data is correctly published and the earlier publication has the best date as a reference. Furthermore, this is not a

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct 10, 2000) (final rule).

material error since the Image File Wrapper (IFW) for this application is available to the public, as of July 31, 2004.

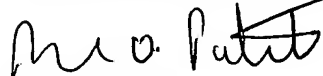
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
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By facsimile: 703-305-8568

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice)


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